



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, NY 10007*

September 4, 2020

By ECF and Federal Express  
Honorable Lorna G. Schofield  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *New York Legal Assistance Group v. DeVos, et al.*, No. 20 Civ. 1414 (LGS)

Dear Judge Schofield:

Pursuant to the Court's June 11, 2020 Order, the Government has sent, via Federal Express, a CD-ROM containing the administrative record to the Court. Defendants' certification of the records and an amended index of all of the Bates-numbered pages included in the production are being filed as exhibits to this letter, and are also included on the CD-ROM.

I thank the Court for its consideration of this matter.

Respectfully,

AUDREY STRAUSS  
Acting United States Attorney for the  
Southern District of New York

By:

A handwritten signature in black ink, appearing to read "J.C.S.", is written over a horizontal line.

Jennifer C. Simon  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel.: (212) 637-2746

## Exhibit A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**NEW YORK LEGAL ASSISTANCE GROUP, )**

**Plaintiff,** )

-v-

**ELISABETH DeVOS, in her official capacity** )  
**as Secretary of Education,** )

and

UNITED STATES DEPARTMENT OF  
EDUCATION,

**Defendants.**

**Case No. 20 Civ. 1414**

# AMENDED ADMINISTRATIVE RECORD INDEX

# Department of Education

34 C.F.R. Parts 668, 682 and 685

***Student Assistance General Provisions, Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program***

Docket ID ED-2018-OPE-0027, September 23, 2019

34 C.F.R. Parts 668, 682, 685

***Negotiated Rulemaking Committees;  
Negotiator Nominations and Schedule  
of Committee Meetings—Borrower  
Defenses, Financial Responsibility,  
and Gainful Employment***

Docket ID ED-2017-OPE-0076, August 30, 2017

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<sup>1</sup> 84 Fed. Reg. at 49858 erroneously cited to page AVG-90 of the 2017-2018 FSA Handbook. The citation should have been to page AVG-87. Page AVG-87, not AVG-90, is included in the Administrative Record.

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## **SECTION H - BORROWER DEFENSE: OTHER MATERIALS**

Annualized and Present Value as of 2016 with Perpetual  
Time Horizon ..... AR-H-0000001



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Loan Model Assumptions-Major Assumptions - PB2020-Output files .....	AR-H-0000916
PB2020 Direct Loan File 2019-2029 .....	AR-H-0001204
Regulatory Flexibility File.....	AR-H-0001209

## **SECTION I - BORROWER DEFENSE: PUBLIC COMMENTS RECEIVED REGARDING NOTICE OF INTENT TO HOLD NEGOTIATED RULEMAKING**

Public Comments Regarding June 16, 2017 Notice of Intent to Hold Negotiated Rulemaking – *Comments are publicly available at <https://www.regulations.gov/docket?D=ED-2017-OPE-0076>*

## **SECTION J - BORROWER DEFENSE: PUBLIC COMMENTS RECEIVED ON NPRM**

Public Comments on July 31, 2018 NPRM – *Comments are publicly available at <https://www.regulations.gov/docket?D=ED-2018-OPE-0027>*

## **SECTION K - BORROWER DEFENSE: 2016 FINAL RULE AND DELAYS**

2016 Final Borrower Defense Rule (Nov. 1, 2016).....	AR-K-0000001
Delay of Effective Date Final Rule (June 16, 2017).....	AR-K-0000165
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Announcement that 2016 Rule Effective (March 19, 2019).....	AR-K-0000188

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2016 Final Rule (March 15, 2019)..... AR-K-0000191

## Exhibit B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**NEW YORK LEGAL ASSISTANCE GROUP,** )

**Plaintiff,** )

**-v-** )

**ELISABETH DeVOS, in her official capacity** )  
**as Secretary of Education,** )

**and** )

**UNITED STATES DEPARTMENT OF** )  
**EDUCATION,** )

**Defendants.** )

**Case No. 20 Civ. 1414**

**ADMINISTRATIVE  
RECORD**

**AMENDED  
CERTIFICATION**

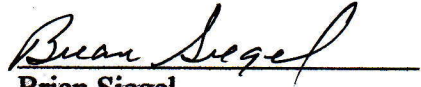
**DEFENDANTS' AMENDED CERTIFICATION OF ADMINISTRATIVE  
RECORD**

I, Brian Siegel, pursuant to the provisions of 20 U.S.C. § 3472 and the authority delegated to me from the Secretary and the General Counsel of the U.S. Department of Education, hereby certify that the attached pages AR-A-000001 through AR-A-0000207, AR-B-0000001 through AR-B-0000107, AR-C-0000001 through AR-C-0000405, AR-D-0000001 through AR-D-0000792, AR-E-0000001 through AR-E-0000995, AR-F-0000001 through AR-F-0001237, AR-G-0000001 through AR-G-0003369, AR-H-0000001 through AR-H-0001210, AR-I-0000001 (incorporating by reference public comments for Docket ED-2017-OPE-0076), AR-J-0000001 (incorporating by reference public comments for Docket ED-2018-OPE-0027 ), and AR-K-0000001 through AR-K-0000203 as identified on the Administrative Record Index filed with this Certification, constitute true copies of the administrative record underlying the Department of

Education's decision concerning its final rule issued on September 23, 2019, at 84 Fed.

Reg. 49,788.

Made on this 3<sup>rd</sup> day of September, 2020.

A handwritten signature in cursive script, reading "Brian Siegel", written over a horizontal line.

Brian Siegel  
Deputy Assistant General Counsel  
Division of Postsecondary Education  
Office of the General Counsel  
U.S. Department of Education